

Minutes: REGULAR CITY COUNCIL MEETING, April 2, 1984
Page 1

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD APRIL 2, 1984

PRESENT

Grant S. Nielson
Don Dafoe
Neil Dutson
Craig Greathouse
Kjell Jenkins
Ruth Hansen

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

None

OTHERS PRESENT

Jim Allan
Dorothy Jeffery
Warren Peterson
Sherri Terrell
Neil Forster
Ray Valdez
John Quick
Randy Green
Leah Kauwe
Bill Garrett
Rayola Tolley
Ken Tolley
Roland Dutson
Lloyd Peterson
Dennis Westwood
Jim Fletcher

City Manager
City Recorder
City Attorney
City Secretary
Public Works Superintendent
City Building Inspector
City Engineer
Dana, Larson, Roubal & Assoc.
City Resident
City Resident
City Resident
City Resident
City Resident
City Resident
City Resident
Delta Garbage Service
KNAK Radio Station

Mayor Nielson called the meeting to order at 7:01 p.m. and stated that notice of the time, place and agenda of the meeting had been posted at the principal office of the governing body and had been provided to the Millard County Chronicle, the Millard County Gazette and the local radio station, KNAK, and to each member of the governing body by personal delivery of copies of the Notice and Agenda two (2) days prior to the meeting.

MINUTES

The minutes of a Public Hearing held March 26, 1984, were discussed and corrected by the Council. Council Member Neil Dutson MOVED to adopt the minutes as corrected for the Public Hearing held March 26, 1984. Council Member Craig Greathouse SECONDED the motion, which carried unanimously.

Minutes: REGULAR CITY COUNCIL MEETING, April 2, 1984

Page 2

The minutes of a Regular City Council Meeting held March 26, 1984, were discussed and corrected by the Council. Council Member Don Dafoe MOVED to adopt the minutes of the regular City Council meeting as corrected. Council Member Neil Dutson SECONDED the motion. The motion carried unanimously.

ACCOUNTS PAYABLE

City Recorder Dorothy Jeffery asked if there were any questions regarding the accounts payable, which were included in the Council's packets. The accounts payable were as follows:

<u>BUSINESS</u>	<u>DEPT</u>	<u>ITEM PURCHASED</u>	<u>AMOUNT</u>
CONTEL	City Bldg		393.53
CONTEL	Fire Dept		145.44
CONTEL	Fire Dept		25.26
CONTEL	Mach Shed		6.27
CONTEL	City Office		198.18
CONTEL	Police		139.50
BAKER PHARMACY	City Bldg	First Aid	17.20
STATE OF UTAH	City Bldg	Office Supplies	64.84
STATE OF UTAH	City Bldg	Office Supplies	22.50
STATE OF UTAH	City Bldg	Office Supplies	61.56
STATE OF UTAH	City Bldg	Office Supplies	12.52
LAKE PHILGAS	Streets	Propane	113.30
LOVELL INC.	Streets	Repair of truck	64.70
DELTA AUTO	Streets	Repair of truck	8.66
DELTA AUTO	Streets	Repair of truck	50.56
ROCKING "R"	Sewer	Diesel Fuel	134.37
ROCKING "R"	Water	Diesel Fuel	134.37
ROCKING "R"	Streets	Diesel Fuel	134.37
SCHOLZEN PROD	Water	Saddle	24.78
SO UT OFFICE	City Hall	Supplies	23.55
UNIVERSAL BUS	Police	Lanier	295.00
UTAH LEAGUE	Treasurer	Handbook	15.00
W SIDE GRADE	Streets	Drain rock	480.00
W MIL CO-OP	Water	Tires	349.75
W MIL CO-OP	Sewer	Tires	349.75
W MIL CO-OP	Streets	Tires	174.88
		TOTAL	3,439.85

Councilman Kjell Jenkins MOVED to pay the accounts payable as presented. Council Member Don Dafoe SECONDED the motion, which carried unanimously.

BUSINESS FROM PREVIOUS MEETINGS

DISCUSSION OF WATER FOR GARDENS IN THE WHITE SAGE DEVELOPMENT AREA

Bill Garrett was recognized by Mayor Nielson. Mr. Garrett said he had discussed the request for the City to furnish water for a community garden project with City Attorney Warren Peterson.

Minutes: REGULAR CITY COUNCIL MEETING, April 2, 1984
Page 3

City Attorney Warren Peterson told the Council if the City were to receive an easement from the L.D.S. Church for use of the 6 acres of proposed garden space as a temporary City park, Delta City could include this area as a City Park and the City could legally allow a temporary water connection for the use of gardening.

Bill Garrett stated this project was intended to provide services to the community and to help improve the attitudes of the local people and the new IPP workers. He reported that as of this date 12 people had already signed up for garden spots. He also pointed out that Rod Clark, a representative from IPP, has expressed the desire of IPP to contribute their help to this project.

There was a lengthy discussion regarding the different possibilities of getting water to this project after which the Council suggested that Mr. Garrett pursue the possibilities of the L.D.S. Church preparing a 6 month easement for Delta City. Mr. Garrett will check with the authorities of the Church and then report back to the Council at the next City Council meeting.

DANA LARSON ROUBAL & ASSOCIATES PRESENTATION OF DELTA CITY MUNICIPAL BUILDING PROJECT

Randy Green, consultant for Dana Larson Roubal & Associates, gave a status report on the Delta City Municipal Building. He stated that the building may be completed by May 15th, which is the contract date for completion. However, there have been several problems with the installation of the windows which may delay completion. Because of this problem, Mr. Wilford Jenson, the contractor for the building, is having trouble heating the building to a temperature suitable for perfa taping and painting. Due to the weather conditions, the site work has not been started. This work is expected to take approximately 30 days.

Mr. Green's recommendation to the Council is to consider a reasonable extension of time without exercising the \$200 a day penalty allowed for in the contract, because of the above mentioned problems.

Mr. Green presented the following summary and analysis of proposed changes:

I. ITEMS INITIATED BY DELTA CITY BUT NOT ACCEPTED

1. Delete walls in Rooms #129, 130 and 134	382.95
2. Delete counter and add shelf in Room #152	(90.00)
3. Add two bookcases in library	950.00
sub-total add	1,332.95
sub-total deduct	(90.00)
Net Total Change	1,232.95

II. ITEMS INITIATED BY DELTA CITY AND ACCEPTED

1. Delete closet #149	(68.00)
2. Relocate door #126	187.00
3. Add new window, Room #126	795.00

Minutes: REGULAR CITY COUNCIL MEETING, April 2, 1984
Page 4

4.	Add additional outlets room #126	155.00
5.	Add to commemorative plaque	75.00
6.	Add additional outlets Room #155	400.00
	sub-total add	1,612.80
	sub-total deduct	(68.00)
	Net Total Change	1,544.80
	Add contractor's O&P	241.92
	TOTAL	1,786.72

III. ITEMS OF DANA, LARSON, ROUBAL, AND ASSOCIATES RESPONSIBILITY

1.	Add floor drains	762.52
2.	Increase roofing specification	260.87
3.	Change lockset, Door 143C	27.29
4.	Delete wall cabinet, Room #105	(255.00)
5.	Reroute duct in library	628.00
6.	Mechanical system control modification	(2,200.00)
7.	Add concrete pads for condenser	400.00
8.	HVAC coil modification	170.00
	sub-total add	2,248.68
	sub-total deduct	(2,455.00)
	Net Total Change	(206.32)
	Add contractor's O&P	337.30
	TOTAL	130.98

ORIGINAL CONTRACT AMOUNT	\$645,600.00
NET CHANGE BY CHANGE ORDER	\$ 1,917.71
NEW CONTRACT AMOUNT	\$647,517.71

% CHANGE	0.29%
% CHANGE ATTRIBUTABLE TO DLRA	.029%

% CHANGE BY CHANGE ORDERS, INDUSTRY STANDARD	1.0%
% CHANGE BY CHANGE ORDERS, DLRA STANDARD	0.5%

The Council discussed the summary and analysis.

Architect Randy Green pointed out if the City approved Change Order #2 the amount of the change order would be as follows:

SUB-TOTAL OF ADDITIVE ITEMS	1,859.25
Profit (@5%)	92.97
Overhead (@10%)	185.93
Less Sub-Total of Credits	(2,200.00)
NET CREDIT	(61.85)

Minutes: REGULAR CITY COUNCIL MEETING, April 2, 1984
Page 5

Following a lengthy discussion, Council Member Neil Dutson MOVED to approve Change Order #2 as presented, making the net credit for Delta City \$61.85. Council Member Ruth Hansen SECONDED the motion, which carried unanimously.

STREET VACATION AT 400 NORTH STREET LYING EAST OF 350 EAST IN THE PENDRAY SUBDIVISION - NARROWING STREET BY 10 FEET

City Attorney Warren Peterson pointed out that Pendray Construction was given approval by City officials to build a house within 1 foot of 400 North Street. Pendrays were apparently informed at that time of the intention to vacate 400 North Street, he said. Mr. Peterson stated he had received consent from Pendray Development and Toni and Gary Harris, the adjacent land owners, to vacate 10 feet of 400 North Street. This would provide adequate setback for the home. Attorney Peterson also pointed out that Pendrays have agreed to pay the cost for the street vacation.

Attorney Peterson informed the Council that no public hearing would be necessary for adoption of the proposed ordinance vacating 20 feet of 400 North Street, because the adjoining property owners had signed a petition in favor of the street vacation.

After further discussion, Council Member Craig Greathouse MOVED to adopt Ordinance No. 84-74 entitled:

AN ORDINANCE PROVIDING FOR NARROWING OF A STREET BY
VACATION OF THAT PORTION OF 400 NORTH STREET LYING EAST
OF 350 EAST STREET IN THE CITY OF DELTA, UTAH.

Council Member Ruth Hansen SECONDED the motion, and Mayor Nielson asked for a roll call vote. The voting went as follows:

Don Dafoe	Yes
Neil Dutson	Yes
Craig Greathouse	Yes
Kjell Jenkins	Yes
Ruth Hansen	Yes

Following the voting, Mayor Grant Nielson signed Ordinance no. 84-74 and it was attested by City Recorder Dorothy Jeffery.

CONSIDERATION OF DEL PARK ANNEXATION AND DEL MAR PRELIMINARY PLAT

City Attorney Warren Peterson stated that the Del Park preliminary plat had not been submitted in time for the meeting, and therefore there was no need to consider it at this time.

RAE'S DRAPERIES - PETERSON AND TOLLEY: DISCUSSION REGARDING THE ISSUANCE OF A 1984 BUSINESS LICENSE

Mayor Nielson explained that Mrs. Rayola Tolley had requested a business license for her business located at 396 South 200 West. The business previously had been located on the corner of Center and Main Street, with a

Minutes: REGULAR CITY COUNCIL MEETING, April 2, 1984

Page 6

warehouse at the proposed location. The present location of her business is not zoned for business use.

Rayola Tolley stated that the warehouse, where her business is now located, was built when the area was zoned light industrial. She explained the need to have everything located in one building; therefore, she had moved her sales office from the Main Street location to the warehouse located at 396 South 400 West. Mrs. Tolley pointed out that most of her business was transacted in the customers' homes so the traffic would be minimal.

Mayor Nielson stated that the location was zoned light industrial when the warehouse was built. He also stated that Mrs. Tolley had used the warehouse to conduct business and show carpets. He asked if a business license could be issued under the non-conforming use provision of the City Zoning Ordinance.

Attorney Peterson explained to the Council that the proposed use of the warehouse as a sales office did not fall under the present Zoning Ordinance, and Rae's Draperies did not fall under the non-conforming use clause.

Roland Dutson, whose home is across the street from where the business is presently located, stated that he has opposed businesses not built according to zoning regulations. He pointed out that when the zone was changed in that area from light industrial to residential it was done without the neighbors realizing what the zone restrictions were. Mr. Dutson stated that the neighbors would not think this business would create a problem and they would not oppose it being located in this area.

Lloyd Peterson said that it was very costly to try to operate a business located in two separate buildings. Mrs. Tolley does not own the building at the Main Street location and the building is for sale and could be sold any time, leaving Mrs. Tolley without a place to conduct her business.

Recommendation was made that Mrs. Tolley submit a petition to change the zone to light industrial, which would permit the warehouse to be used as a sales office.

City Attorney Warren Peterson recommended a request for a zone change be submitted by Mrs. Tolley, if the Council was inclined to entertain the zone change.

It was the opinion of the Council that a zone change request was the preferred action for Mrs. Tolley to take. Mrs. Tolley agreed to petition for a zone change to be presented to the Planning and Zoning Commission for appropriate action.

STATUS OF HEALTH OF DAN McDONALD AND RECOMMENDATIONS FOR TEMPORARY HELP

City Public Works Superintendent Neil Forster reported that City Employee Dan McDonald is at home and is recovering as well as can be expected from a heart attack he had while working on the job two weeks ago. Mr. Forster

Minutes: REGULAR CITY COUNCIL MEETING, April 2, 1984
Page 7

pointed out that Mr. McDonald would have a complete diagnosis and work-up on April 10, by a heart specialist, which will determine the amount of work he can be expected to perform and the amount of recovery time he will need.

Superintendent Forster pointed out that he had reviewed the possibilities of using work-release prisoners to help in the Street Department, but found the cost of transportation to and from the jail in Fillmore to be economically unfeasible. Mr. Forster also pointed out that he previously had used day workers referred through the Utah Job Service and this is a method that could be utilized at this time.

Public Works Superintendent Neil Forster requested the Council not make any decision on additional manpower until Dan McDonald's status is determined. He stated if it were needed, the seasonal employee hired for summer each year could possibly be hired early this year and alleviate any undue burden on the present employees.

After a brief discussion, it was the Council's opinion to approve Mr. Forster's request and not make any decision on additional manpower until Dan McDonald's status is determined.

DISCUSSION REGARDING LAND FILLED SOLID WASTE AND JERALD FINLINSON'S LETTER CONCERNING LEGAL DISPOSAL OF SOLID WASTE

Council Member Kjell Jenkins stated he had read the article in the Millard County Chronicle regarding landfill and solid waste and felt this subject should be discussed at Council meeting.

Council Member Don Dafoe pointed out that several meetings had been held regarding the landfill of solid waste within the County. He stated that a proposed site for the landfill is approximately 2 to 3 miles East of the AT&T Microwave Station located South of Delta.

The council discussed the solid waste landfill problem and concurred it would be more feasible for the County to pursue this project. The County will have the tax base from property taxes when IPP is in operation.

Mayor Grant S. Nielson stated he had received a letter from Jerald Finlinson, which was included in the packets. The letter is as follows:

Mayor Grant Nielson
P.O. Box 401
Delta, Utah 84624

Re: Sanitary Landfill Required

At the present time there is no legal disposal site for garbage and other solid wastes. Because of Federal & State requirements impending, all agencies, private companies and potential subdivisions should be working together to avoid any one unit being caught in the squeeze when it comes. There will be little sympathy

Minutes: REGULAR CITY COUNCIL MEETING, April 2, 1984
Page 8

from Federal or State authorities or courts who have already allowed what they consider ample time to overcome the problem.

A sanitary landfill, simply stated, must have proper heavy equipment on site, adequately compact and cover "cells" of waste material during and at the end of each day. Also, adequately cover and finish off each complete section of the fill to the proper grade. You can soon realize that few if any single entities in the county can meet these requirements alone because of the high cost of labor and equipment.

It is urgently recommended that attempts be made NOW to get all potential users together - including industrial, Federal, State, local government agencies, and unite to pool resources and get started before most of these resources have gone their separate ways and will be no longer available.

Sincerely,

Jerald A. Finlinson

City Attorney Warren Peterson suggested a letter be written to Mr. Jerald Finlinson asking for an explanation of the specific requirements of a sanitary landfill and to explain what action should be taken by Delta City.

Dennis Westwood, owner and operator of Delta Garbage Service, stated that he had talked to BLM, County Commissioners, and State Health Department representatives concerning the requirement to have all landfills covered by November 1985. Mr. Westwood stated the County Commissioners had asked him to meet with the City Councils in Millard County, to determine their interest in the project. Mr. Westwood explained his interest as a contractor and concern for prompt attention to this matter.

The Council felt it was the County's responsibility to proceed with the landfill waste disposal project and did not want to interfere with this process.

AN ORDINANCE ENACTING TECHNICAL AMENDMENT TO TRAFFIC CODE AS ADOPTED BY DELTA CITY AND ADOPTING THE 1983 UTAH TRAFFIC CODE

City Attorney Warren Peterson reviewed the proposed ordinance repealing the 1980 Traffic Code and adopting the 1983 Traffic Code. Mr. Peterson pointed out that a section in the Code stated that drunken driving accident laws relate to incidents on the public street or on private property. The ordinance that was proposed by Utah League of Cities and Towns, that Delta City basically followed in adopting the new drunk driving laws, did not properly incorporate the section in question. Attorney Peterson recommended adoption of the ordinance.

Minutes: REGULAR CITY COUNCIL MEETING, April 2, 1984
Page 9

After discussion of the proposed ordinance, Council Member Don Dafoe MOVED to adopt Ordinance No. 84-75 entitled:

AN ORDINANCE AMENDING THE REVISED ORDINANCES OF DELTA CITY (1981 EDITION) BY REPEALING ADOPTION OF THE 1980 UTAH TRAFFIC CODE, BY ADOPTING THE 1983 UTAH TRAFFIC CODE AND TO PROVIDE FOR APPLICATION OF THE ORDINANCES PROHIBITING RECKLESS DRIVING, DRIVING OR BEING IN ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, DRIVING ON REVOCATION AND AUTOMOBILE HOMICIDE TO OPERATION OF VEHICLES UPON PUBLIC STREETS AND ELSEWHERE WITHIN THE CITY OF DELTA, UTAH.

Council Member Neil Dutson SECONDED the motion, and Mayor Grant Nielson asked for a roll call vote. The voting went as follows:

Don Davoe	Yes
Neil Dutson	Yes
Craig Greathouse	Yes
Kjell Jenkins	Yes
Ruth Hansen	Yes

Following the voting, Mayor Grant Nielson signed ordinance No. 84-75, and it was attested by City Recorder Dorothy Jeffery.

PRESENTATION OF CAPITAL IMPROVEMENTS

City Building Inspector Ray Valdez gave a presentation, "Capital Improvements," and showed a film strip of various capital improvements. After the presentation, discussion was held regarding capital improvements that have been made in our area.

DISCUSSION REGARDING THE MONTHLY BUDGET COMPUTER PRINTOUT

City Manager Jim Allan reviewed the monthly budget computer printout summary of the budget and the Council discussed different items included in the printout.

OTHER BUSINESS

City Engineer John Quick stated that the design plans for the addition on the sewer lagoon had been submitted to the State. He pointed out it would be mid-June before construction could begin. This would allow 3 weeks for the design plan to be approved and 3 weeks for the bids to be advertised.

BUSINESS REQUESTED FOR CONSIDERATION FOR APRIL 9, REGULAR CITY COUNCIL MEETING FUTURE AGENDA

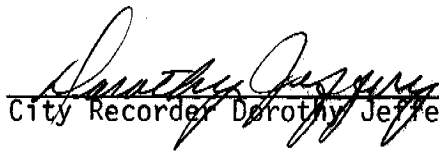
City Council Members and City officials present at the meeting requested that the following items be placed on the agenda for the April 9, 1984 meeting.

Minutes: REGULAR CITY COUNCIL MEETING, April 2, 1984
Page 10

1. Ely City Council Members: Discussion regarding the relocation of I-70 through Ely.
2. Council Member Don Dafoe: Purchase of playground equipment for the Delta City Park, using funds donated by Continental Telephone.
3. Council Member Craig Greathouse: Delta West Annexation.
4. Don Bird: Sugar Factory Road Annexation.
5. City Manager Jim Allan: Status of Economic Development Association Money.

Council Member Neil Dutson MOVED to adjourn the meeting. Council Member Don Dafoe SECONDED the motion. The Council voted to approve the motion and Mayor Grant Nielson adjourned the meeting at 10:16 p.m.


Mayor Grant S. Nielson


City Recorder Dorothy Jeffery

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD APRIL 9, 1984

PRESENT

Grant S. Nielson
Don Dafoe
Neil Dutson
Craig Greathouse
Kjell Jenkins
Ruth Hansen

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

None

OTHERS PRESENT

Jim Allan
Dorothy Jeffery
Warren Peterson
John Quick
Rod Ogden
Art Jeffery
Sue Dutson

City Manager
City Recorder
City Attorney
City Engineer
Quality Market
Quality Market
Chamber of Commerce